

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 3, 4 and 9 to 13, all other claims having been cancelled.

Claims 9 to 11 were rejected under 35 USC 112, first paragraph, as containing subject matter not enabled by the description. The Examiner objected to R<sub>3</sub> in claim 10 as including a moiety which is not described in the specification including a species and proviso iiiii) which were not disclosed in the specification.

Applicants respectfully traverse this ground of rejection since it is believed that the amended claims properly define the invention. The term “heteroalkylalkyl” has been changed to “heteroarylalkyl” and the definition of X being methyl is clearly found in line 21 of page 14. Therefore, withdrawal of these grounds of rejection is requested.

All of the claims were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth in paragraph a) through paragraph aj).

Applicants respectfully traverse this ground of rejection since it is believed that the newly amended claims properly comply with 35 USC 112. With respect to paragraph a), a comma has been inserted between “cyano” and “phenyl” and a new formula has been inserted to obviate the rejection in paragraph b). With respect to paragraph c) and ae, Applicants have inserted the parenthesis after “a”. With respect to paragraph d), “O” before “chlorine” has been cancelled and with respect to paragraph e), “o-chloro” has now been inserted into the claims. With respect to paragraph f),  $R_3$  has now been changed to “ $R'_3$ ”. With respect to paragraph g), “Y” has been changed to “Y’ ” and with respect to paragraph a), “o-chlorine” has now been inserted into the claims. With respect to paragraph i), the missing hyphen has been inserted into claim 11. With respect to paragraph j), “Y” has been changed to “Y’ “. With respect to paragraph k), “or” has been inserted where appropriate.

Regarding paragraphs l), m) and x), they have been corrected. With respect to “NO” and “Y”, “ $W_1$ ” has been changed to “W”. A comma has been inserted between  $-CF_3$  and  $-OCF_3$  to obviate the objection in paragraph p). A comma has been inserted between “methyl” and “ $R_3$ ” to obviate the objection in paragraph q). The missing “y” has been inserted into “aryloxyalkyl” to obviate the objection in paragraph r). With respect to the objection in paragraphs s) and u), “ $R_{22}$ ,  $R_{23}$ ” has been changed to “ $R_{32}$ ,  $R_{33}$ ”. The missing hyphen has been inserted before “S” to obviate the objection in paragraph t). The spelling of “selected” has been corrected to obviate the objection in paragraph v). The spelling of “heterocylcoalkyl” has been corrected to obviate the objection in

paragraph w). Claim 12 has been amended to be consistent with claim 10 obviate the objection in paragraph z).

With respect to objections aa), ab) and ac)", claim 12 has been amended and the term "heteroaryl" is not a new definition but a portion of the radical heteroarylalkyl and this means that the substitution is on the heteroaryl. The term "cycloalkyl" is not a new definition but only a portion of the cycloalkylalkyl. With respect to objection ad) in line 12, in  $R_3$ ,  $-NR_{22}R_{23}$  is a definition of one of the possible substituents on the radicals. With respect to objection af), the indolylmethyl illustrates the definition of heteroarylalkyl of  $R_3$  and it is believed to be correct. With respect to objection ag), W has been changed to "W' ". With respect to objection ai), the hyphen has been inserted between "ter" and "butyl". With respect to objections ah) and aj), Applicants do not understand the objection of the Examiner to the limitation of indolylmethyl. Therefore, the amended claims are believed to properly define the invention and withdrawal of these grounds of rejection is requested.


With respect to the rejection under 35 USC 102 of claim 11 as being anticipated by the Girault et al reference, it is believed that the present disclaimer iiiiii) properly excludes  $R'_1$  as being o-chlorine since it has been changed to para-chlorine. With respect to disclaimer iiiii), X is now defined as being  $-CH_2-$  and not ethylene. Therefore, the

amended disclaimers exclude the compounds of the Girault et al reference. With respect to the rejection of claim 11 as being obvious over the Okano et al reference, it is believed that the present disclaimer excludes compounds wherein W is 4-fluoro-phenyl-CH<sub>2</sub>-C(O)- and phenyl-C(O)- and withdrawal of this ground of rejection is requested.

With respect to the 103 rejections of claim 11 as being obvious over the Braquet et al reference and the Weber et al reference, Applicants believe that the claims clearly distinguish from these references. Applicants' invention is directed to the use of diazepines having an affinity for somatostatin receptors for the treatment of pathological states or illnesses in which one of the somatostatin receptors is involved. The Braquet et al reference and the Weber et al reference cited by the Examiner disclose diazepines as having an anti-Paf activity and thus, the compounds have been tested through similar experimentations. The '110 reference indicates in lines 8 to 18 of page 3, lines 20 to 22 of page 16 and on page 26 that the Paf receptor is a binding assay to the human platelet. The '311 reference discloses on pages 20 to 26 inhibition of platelet aggregation induced by Paf inhibition of the binding to benzodiazepine receptors and the action on the bronchospasm induced by Paf. The teachings of the references cited by the Examiner do not suggest an affinity to these diazepines on somatostatin receptors and therefore, does not teach Applicants' invention and withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
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Enclosures